

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

SEP - 5 2008

FILED  
CLERK'S OFFICE

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

IN RE: DIGITEK PRODUCTS  
LIABILITY LITIGATION

Barbara Guthrie, etc. v. Actavis Totowa, LLC, et al., )  
D. Colorado, C.A. No. 1:08-1640 )

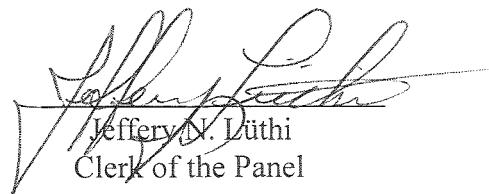
MDL No. 1968

ORDER LIFTING STAY OF CONDITIONAL TRANSFER ORDER

A conditional transfer order was filed in this action (*Guthrie*) on August 29, 2008. Plaintiff in *Guthrie* subsequently informed the Panel that she does not oppose transfer.

IT IS THEREFORE ORDERED that the stay of the Panel's conditional transfer order designated as "CTO-2" filed on August 29, 2008, is LIFTED. The action is transferred to the Southern District of West Virginia for inclusion in the coordinated or consolidated pretrial proceedings under 28 U.S.C. § 1407 being conducted by the Honorable Joseph R. Goodwin.

FOR THE PANEL:



Jeffery N. Lüthi  
Clerk of the Panel

A CERTIFIED TRUE COPY

SEP - 5 2008

Diane Morgan Stone  
ATTEST  
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

ENTERED

SEP - 8 2008

TERESA L. DEPPNER, CLERK  
U.S. District Court  
Southern District of West Virginia

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

AUG 29 2008

FILED  
CLERK'S OFFICE

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

**IN RE: DIGITEK PRODUCTS LIABILITY LITIGATION**

Barbara Guthrie, etc. v. Actavis Totowa, LLC, et al.,  
D. Colorado, C.A. No. 1:08-1640 )

) MDL No. 1968

**CONDITIONAL TRANSFER ORDER (CTO-2)**

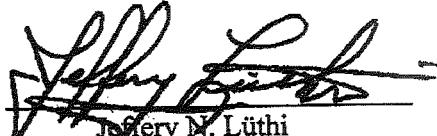
On August 13, 2008, the Panel transferred eight civil actions to the United States District Court for the Southern District of West Virginia for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* \_\_\_ F.Supp.2d\_\_\_ (J.P.M.L. 2008). With the consent of that court, all such actions have been assigned to the Honorable Joseph R. Goodwin.

It appears that the action on this conditional transfer order involves questions of fact that are common to the actions previously transferred to the Southern District of West Virginia and assigned to Judge Goodwin.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), this action is transferred under 28 U.S.C. § 1407 to the Southern District of West Virginia for the reasons stated in the order of August 13, 2008, and, with the consent of that court, assigned to the Honorable Joseph R. Goodwin.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of West Virginia. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Jeffery N. Lüthi  
Clerk of the Panel

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

**CHAIRMAN:**  
Judge John G. Heyburn II  
United States District Court  
Western District of Kentucky

**MEMBERS:**  
Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

Judge David R. Hansen  
United States Court of Appeals  
Eighth Circuit

**DIRECT REPLY TO:**

Jeffery N. Lüthi  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby  
Washington, D.C. 20002

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September 5, 2008

Teresa Deppner, Clerk  
Post Office Box 2546  
Charleston, WV 25329-2546

Re: MDL No. 1968 -- IN RE: Digitek Products Liability Litigation

Barbara Guthrie, etc. v. Actavis Totowa, LLC, et al., D. Colorado, C.A. No. 1:08-1640

Dear Ms. Deppner:

I am enclosing a certified copy of an order filed today by the Panel involving the above-captioned matter.

Very truly,

Jeffery N. Lüthi  
Clerk of the Panel

By Denise Morgan-Stone  
Denise Morgan-Stone  
Deputy Clerk

Enclosure

cc: Transferee Judge: Judge Joseph R. Goodwin  
Transferor Judge: Judge Lewis T. Babcock  
Transferor Clerk: Gregory C. Langham